

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

WASHINGTON, DC

ORDER NO. 3597

IN THE MATTER OF:

Served January 15, 1991

Application of CAPITOL ENTERTAIN-)
MENT SERVICES, INC., for Temporary)
Authority -- Charter and Special)
Operations)

Case No. AP-90-53

By application filed November 19, 1990, and supplemented from time to time thereafter, Capitol Entertainment Services, Inc. (CES or applicant), seeks temporary authority to transport passengers and their baggage in charter and special operations between points in the Metropolitan District, restricted against transportation solely within the Commonwealth of Virginia.

Order No. 3591, served December 17, 1990, generally described the evidence submitted with the application, and that order is incorporated herein by reference. Order No. 3591 served as publication of notice and directed that protests, if any, be filed in accordance with Commission Rule No. 14 no later than Wednesday, January 2, 1991.

Mr. Bill Appell holds WMATC Certificate No. 130 authorizing the following transportation:

IRREGULAR ROUTES:

PART A

SPECIAL OPERATIONS, transporting passengers between points in the Metropolitan District.

PART B

CHARTER OPERATIONS, transporting passengers between points in the Metropolitan District.

RESTRICTED IN PARTS A and B above (1) to lectured sightseeing tours, (2) against originating such tours at the National Mall, the Ellipse, and the Days Inn-Capital Centre, Capitol Heights, MD, and (3) against transportation solely within the Commonwealth of Virginia;

AND FURTHER RESTRICTED in PART A above to round-trip operations.

Mr. Appell filed a protest on January 4, 1991, after the deadline. It is noted that the envelope containing the protest appears to have been postmarked December 31, 1990; however, the deadline was established for actual filing with the Commission. Accordingly, the protest is dismissed as untimely filed. It is further noted that Certificate No. 130 is restricted to lectured sightseeing tours and, in special operations, to round-trip services. The authority in Certificate No. 130 would not fully meet the requirements of the affiants in this case, as summarized below.

A vice president of the D.C. Congress of Parents and Teachers, (D.C. PTA), representing some 150 school-level organizations, attests to an immediate and urgent need for the charter and special operations of CES. D.C. PTA has had difficulty securing affordable transportation for class trips. The operations manager of USA Hosts, a destination management firm, states an immediate and urgent need for the equipment and services of CES. USA Hosts operates tours, shuttles, transfers and meet-and-greet airport services, and has often experienced difficulty in securing needed service. The administrator for student services at the Catholic University of America needs CES's services for transfers and sightseeing. The general manager of the Howard Inn states that there is a need and an immediate emergency for the proposed service because such service has not been available to the Howard Inn. The general manager of the J W Marriott Hotel attests that the hotel does indeed have an immediate and urgent need for shuttle transportation service and professional touring services for its guests, and that the hotel has experienced difficulty trying to secure such transportation. The president of the District of Columbia Chamber of Commerce supports the immediate grant of temporary authority to CES. The vice president of Guide Service of Washington, Inc., sees a shortage of qualified minibus operators.

Title II, Article XII, Section 4(d)(3) of the Compact provides that the Commission may, in its discretion, grant an application for temporary authority, without hearings or other proceedings, if it finds that there is an immediate and urgent need for the service proposed by the application and that no other carrier service is capable of meeting that need. Fitness of the applicant is also required. See Application of Suburban Transit Company for Temporary Authority to Serve the Capital Centre, Order No. 1643, served January 24, 1977; Application of American Coach Lines, Inc., for Declaratory Order or, in the Alternative, Temporary Authority to Conduct Charter Operations Between Points in the Metropolitan District, Order No. 2738, served July 22, 1985. See also Order Nos. 2440, 2448, 2864, and 3221, served July 22, 1983; August 10, 1983; May 23, 1986; and August 23, 1988, respectively.

The Commission finds that no other carrier is capable of meeting the need for the proposed service. It is further found, based on the evidence of record as described in Order No. 3532, that there is an immediate and urgent need for the service described in this application and that applicant is fit to provide that service.

THEREFORE, IT IS ORDERED:

1. That Capitol Entertainment Services, Inc., is hereby conditionally granted 180 days temporary authority, contingent upon timely compliance with the terms of this order, to transport passengers and their baggage in charter and special operations between points in the Metropolitan District, restricted against transportation solely within the Commonwealth of Virginia.

2. That Capitol Entertainment Services, Inc., is hereby directed, no later than 30 days from the service date of this order, to (a) identify its vehicles in accordance with Commission Regulation No. 67-03; (b) file an affidavit of compliance with Commission Regulation No. 67-03; (c) file three copies of its WMATC Temporary Tariff No. AP-90-53; (d) file an equipment list stating make, model, serial number, vehicle number (if any), seating capacity, and license plate number (with jurisdiction) for all vehicles to be used in revenue operations; (e) file evidence of ownership or lease(s), as appropriate, for all vehicles to be used in revenue operations; (f) file a certificate of insurance in conformance with Commission Regulation No. 62 covering all vehicles to be used in revenue operations; and (g) file the street address (not post office box) of its principal business office in the Metropolitan District.

3. That the Executive Director shall notify Capitol Entertainment Services, Inc., in writing, upon its timely compliance with the requirements of this order, that it may commence operations pursuant to temporary authority.

4. That the temporary authority granted herein shall expire July 14, 1991, unless otherwise ordered by the Commission.

5. That unless Capitol Entertainment Services, Inc., complies with the requirements of this order within 30 days from the date this order is issued or such additional time as the Commission may direct or allow, the grant of authority contained herein shall be void, and this application shall stand denied in its entirety, effective upon the expiration of the said compliance time.

BY DIRECTION OF THE COMMISSION; COMMISSIONERS WORTHY, SCHIFTER, AND SHANNON:


William H. McGilvery
Executive Director

